

OCT 11 2005

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

FILED

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE,

PETITIONER,

VS.

FRANKIE TONY FERNANDEZ,

RESPONDENT.

CONSENT ORDER

CAUSE NO. A-1638

In order to resolve this matter, the Nebraska Department of Insurance ("Department"), by and through its attorney, Janette L. Adair, and Frankie Tony Fernandez ("Respondent"), mutually stipulate and agree as follows:

JURISDICTION

1. The Department has jurisdiction over the subject matter and Respondent pursuant to Neb. Rev. Stat. §§ 44-101.01, and 44-4047 et seq. (Reissue 2004).
2. Respondent was licensed as an insurance agent under the laws of Nebraska at all times material hereto.

STIPULATIONS OF FACT

1. The Department initiated this administrative proceeding by filing a petition styled State of Nebraska Department of Insurance vs. Frankie Tony Fernandez, Cause Number A-1638 on September 7, 2005. A copy of the petition was served upon the Respondent at the Respondent's address registered with the Department by certified mail, return receipt requested.
2. Respondent violated Neb. Rev. Stat. §§ 44-4059(1)(b), 44-4059(1)(h), and 44-317 (Reissue 2004) as a result of the following conduct:

- a. On or about November 29, 2000, Respondent obtained a loan from insurance client Welland Bock in the amount of \$5,000.00.
- b. On or about April 10, 2001, Respondent obtained a loan from insurance client Welland Bock in the amount of \$2,500.00.
- c. Respondent agreed to repay Mr. Bock for the loans on or before July 31, 2001.
- d. To date, Respondent has only made payments to Mr. Bock in an amount totaling \$1,300.00.

3. Respondent was informed of his right to a public hearing. Respondent waives that right, and enters into this Consent Order freely and voluntarily. Respondent understands and acknowledges that by waiving his right to a public hearing, Respondent also waives his right to confrontation of witnesses, production of evidence, and judicial review.

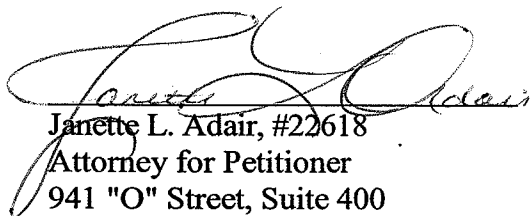
4. Respondent admits the allegations stated in Paragraph 2.

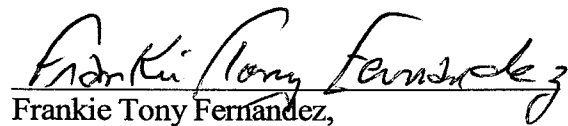
CONCLUSIONS OF LAW

Respondent's conduct as alleged above constitutes a violation of Neb. Rev. Stat. §§ 44-4059(1)(b), 44-4059(1)(h), and 44-317 (Reissue 2004).

CONSENT ORDER

It is therefore ordered by the Director of Insurance and agreed by Respondent, Frankie Tony Fernandez, that Respondent shall pay an administrative fine in the amount of two thousand dollars (\$2000.00), due within 30 days after the Director of Insurance or his designee approves and signs this consent order. If Respondent fails to pay the amount required under this consent order, within the time specified, Respondent's Nebraska insurance producers license shall automatically be revoked. In witness of their intention to be bound by this Consent Order, each party has executed this document by subscribing his signature below.


Janette L. Adair, #22618
Attorney for Petitioner
941 "O" Street, Suite 400
Lincoln, NE 68508
(402) 471-2201

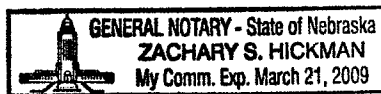

Frankie Tony Fernandez,
Respondent

10-6-05
Date

9/19/05
Date

State of Nebraska)
County of Lancaster) ss.

On this 19 day of September, 2005, Frankie Tony Fernandez personally appeared before me and read this Consent Order, executed the same and acknowledged the same to be his voluntary act and deed.

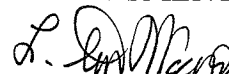



Notary Public

CERTIFICATE OF ADOPTION

I hereby certify that the foregoing Consent Order is adopted as the Final Order of the Nebraska Department of Insurance in the matter of State of Nebraska Department of Insurance vs. Frankie Tony Fernandez, Cause No. A-1638.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE


L. TIM WAGNER
Director of Insurance

10/11/05
Date

CERTIFICATE OF SERVICE

I hereby certify that a copy of the executed Consent Order was sent to the Respondent, at 1420 Old Farm Road #57, Lincoln, Nebraska 68512, by certified mail, return receipt requested on this 13th day of October, 2005.

Tracy A. Gurnea